

RULE 123

COURTROOM PRACTICE

(a) Opening Statements

Opening statements shall not be argumentative, and shall not exceed thirty minutes in length, except by leave of Court.

(b) Examination of Witnesses

The examination of a particular witness, and objections relating to that examination, shall be made by one attorney for each party, except by leave of Court.

(c) Attorneys as Witnesses

No attorney shall without leave of Court conduct the trial of a jury action in which the attorney is a witness for the party represented at trial.

(d) Exhibits

(1) Filing of Exhibits

- (A) Custody and Marking. Parties are encouraged to have all exhibits marked for identification prior to trial. All exhibits offered and admitted into evidence at trial or at any hearing shall be delivered to the courtroom deputy who shall keep them in custody until a verdict is rendered in a jury case or a final order entered by the Court in a non-jury case. The deputy may permit United States Magistrate Judges and Official Court Reporters to have custody of exhibits when necessary to expedite the business of the Court. No persons other than United States Magistrate Judges and Official Court Reporters shall be permitted to remove exhibits from the courtroom deputy's custody except upon order of the Court in extreme circumstances.
- (B) Rejected Exhibits. Exhibits tendered but not admitted into evidence shall be retained by the courtroom deputy in the same manner as admitted exhibits. Rejected exhibits shall be identified as having been rejected on both the exhibit list and on the exhibits themselves.
- (C) Withdrawn Exhibits. Exhibits that are either withdrawn or not tendered shall not be repainted by the courtroom deputy, but shall be shown on the exhibit list as having been withdrawn or not tendered.

(e) Inspection and Copying of Exhibits

- (1) Sensitive Exhibits. Sensitive and special criminal evidence may not be inspected or copied without specific leave of the Court. Such evidence includes, without limitation, narcotics, weapons, currency, exhibits of a pornographic nature, articles of high monetary value, exhibits depicting or describing a particular brutal crime, exhibits in a highly publicized case, and any other evidence designated by the Court.
- (2) Sealed Exhibits. Exhibits ordered sealed or impounded by the Court may not be inspected or copied by anyone, including attorneys for the parties, except upon leave of the Court.
- (3) Other Exhibits. Attorneys of record for any party may inspect or copy without specific leave of Court all exhibits, other than those exhibits defined in (1) and (2) above, which have been admitted into evidence or rejected.
- (4) Presence of Clerk Required. All inspections of exhibits of any type covered by this rule shall be conducted in the presence of the Clerk or an authorized deputy clerk of this Court. Inspections by attorneys for the parties are not excepted from this rule nor is application of this rule affected by whether the inspection is being made with or without leave of Court.

(f) Return of Exhibits

- (1) Generally. Unless otherwise ordered by the Court, or after expiration of the appeal term, custody of all exhibits received into evidence, except those defined as sensitive in Rule 123(e), shall be returned to the custody of the filing party or his or her attorney upon the rendering of a verdict in a jury case or upon the entry of a final order in a non-jury case. The Clerk shall obtain a receipt for the returned exhibits. Sensitive exhibits shall remain in the custody of the arresting or investigating agency during the trial of the case and for any appeal period thereafter.
- (2) Availability for Inspection or Appeal
 - (A) The filing party or his or her attorney shall grant a reasonable request for any party to examine an exhibit in his custody for use in the proceeding.
 - (B) Any exhibit in the custody of the filing party or his attorney shall, upon request, be returned immediately to the Clerk of Court for appeal or other purposes. The filing party or his or her attorney shall be responsible for transporting heavy and bulky exhibits to the appellate court.
- (3) Chain of Custody. It shall be the responsibility of the filing party or his or her attorney to document the chain of custody for each returned exhibit during the time permitted for filing an appeal and during the pendency of an appeal.

- (4) Disposition of Unclaimed Exhibits. If exhibits are not removed as required by this Rule, the Clerk shall notify the filing party or his or her attorney in writing of the requirement to do so. If the exhibits are not removed within thirty (30) days, the Court shall authorize the Clerk to destroy the exhibits or to dispose of the exhibits by other means.